

# Necessary preparations by the applicant countries' police for accession to the europol and schengen implementing convention

by

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Of the estonian police,  
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## structure

Schengen implementing convention

EUROPOL & EU police cooperation

other issues of particular importance

involvement of other law enforcement & security  
services as well as of the ministry of justice/judicial  
authorities

Attention for Recent and continuously dEveloping  
specific EU acquis (since 1998)


Judicial cooperation in criminal matters

Loyal cooperation with regard to key strategic  
horizontal JHA issues

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## Schengen implementing convention (SIC)

### Priority for police

setting up Sirene office/nsis

As part of a single national law enforcement contact point (integrated office bringing together: SIRENE office, NSIS, Europol office, interpol NCB)

### Other police-relevant SIC-provisions

Largely inseparable from eu jha acquis


Importance of involving other law enforcement IN IMPLEMENTATION

e.g. Customs for declarations on cross-border hot pursuit and observation

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## Europol & eu Police co-operation

### Implementation recommendation no 19 amsterdam oc action plan

national central contact point has to be designated

procedures with regard to exchange of information and other forms of law enforcement co-operation

relation between police and judicial authorities has to be clarified

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## Co-operation jha (art 29 TEU)

### Directly between member states

#### Within the schengen framework

In general (articles 39-46)

In border regions

Through operational contact points

Creating/using joint commissariats

#### Within the eu framework

e.g. via liaison officers (also for customs?)

### Through europol

#### Pre-agreement period

Starting negotiations

Signing an agreement

#### Pre-accession period

Bring national procedures in line (work & information flow)

(re)Establishment europol national unit

#### Post-accession period (eu membership)

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## Information management

Effective/Efficient

fast

reliable

multi-lingual

conducted on a 24 hour day basis

## Security measures

### Europol-schengen requirements

administrative security

security of the personnel

security of the information

physical security

software security

communication security

users security

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## Intelligence

Shift balance in investigations from ex post hoc (reactive) approach to proactive approach

### Eu framework

no common EU framework

intelligence within the EU is a (historical) balance between

need for intelligence

availability intelligence (legal references)

need for data protection

### Europol intelligence model

prepare for future analytical work

develop strategic & tactical intelligence

intelligence units

intelligence manager

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## Information technology & systems

Considerable work has been done

clear information and workflow

Comprehensive, non-fragmented strategy

based on EU LE requirements

EURODAC (database asylum-illegal immigration)

fADO (EUROPEAN IMAGE ARCHIVE SYSTEM)

TECS (The Europol Computer System)

cis

SIRENE/SIRPIT & NSIS

European Judicial Network

Future Eurojust database

Need for an International le co-operation division as a link between

On the one hand: National data systems

On the other: Tecs, cis, sis, ...

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## Additional institution building

special units: Cyber crime, Illicit arms trafficking, offences against children

## Organised crime

Bring oc strategy in line with both

amsterdam action plan

strategy for beginning of new millennium

bring statistical data collection and analysis in line with EU requirements

improve intelligence and investigative capacity of the police

Bring anti-money laundering strategy in line with new eu recommendations

e.g. Council decision on co-operation fiu's & revised ec directive

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## Tampere

Special european council 15-16 october 1999

Translation into national strategy

Focus on national crime prevention programmes & participation on high level at EU seminars

priority should be given to cooperation with Europol (negotiations, increase of intelligence capacity, ...)

appointment and training chiefs of police (max 3 par country) in view of the participation to the European Task Force of chiefs of police

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# Judicial cooperation

## Police powers

Often similar to « traditional » prosecutors' powers

## Recent (post 1998) and future EU acquis

Awareness/knowledge fairly low/limited

## Urgent action needed

2000 mutual assistance convention (controlled deliveries, international undercover operations, co-operation multinational investigation teams, interception of gsm & satellite telecommunications, conduct of hearings by video or telephone conference, direct sending & service of requests, ...)

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## Urgent action needed (2)

Negotiations on Follow-up convention on mutual assistance (french presidency)

Negotiations on implementation of principle of 'mutual recognition of « judicial » decisions, inter alia

Obligation to take account of earlier final judicial decisions (criminal record; decisions to prosecute, to grant immunity ...)

recognition of procedural judicial decisions taken in pre-trial, investigation stage


Negotiations on setting up of eurojust

EUROPOL or eurojust Database on pending investigations/prosecutions?

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## Loyal cooperation with regard to key strategic horizontal JHA issues

Third pillar/JHA strategy unit  
Overall information & training strategy  
National security plan

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## Third pillar strategy unit

### Possible problems

Higher policy level

(relatively) Good coordination on eu jha issues

Level of law enforcement services and other bodies working in the jha area

Considerable segmentation

single agency approach

Coordination & maximisation of synergy needed for effective implementation third pillar strategy

multi agency approach

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## Recommendation

### Establishment of a third pillar strategy unit

Under the political supervision of the jha ministers/ministries

Headed by a third pillar implementation director

Full time function

Higher law enforcement official or judicial authority

Charged with drawing up an overall implementation plan and managing a team with four heads of function

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## Four heads of function

### Information technology

integrated implementation of iT and various databases and telecommunication systems (eurodac, fado, tecs, sirene/sirpit, nSIS, EJNI, it infrastructure in border regions, ...)

### Institution building

Interagency relations & relations law enforcement/judicial authorities

### Finance

Problem of Single agency financial policy  
allocation & management of funding on a prioritised basis to key third pillar issues

### Human resources, information & training

Secondment of LEGal attachés & liaisons officers to eu mission/bodies/member states

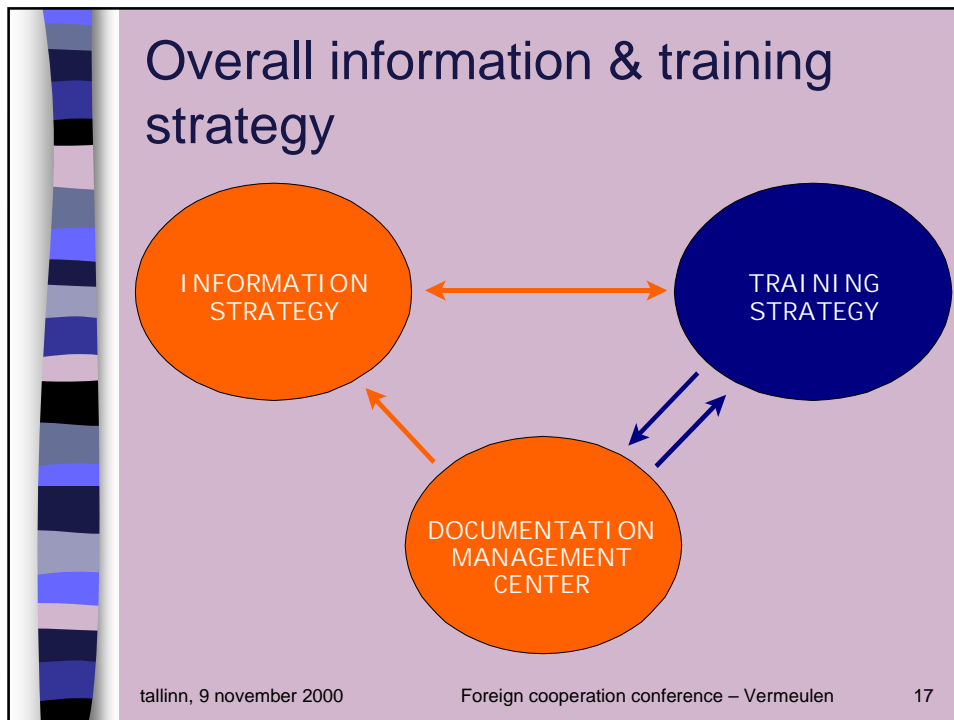
Implementation of overall information & interagency training strategy

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## Information strategy

### Public information/awareness

- General public eu awareness
- Specific EU JHA Public awareness
  - Often Needs to be raised
  - Issues: schengen/SIS (passenger flows), rise in number of asylum seekers, ...
  - Means: tv-spots, distribution flyers, ...

### Institutional information

- Active cross-institutional strategy for information and documentation brokerage
- Documentation management center

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## Training strategy

### Possible problems

- Single agency training policy
- Generally Limited expertise on jha issues within different agencies
- No multidisciplinary training

### Need for comprehensive training strategy (center)

- Multidisciplinary trainers/-ees
- Phased training within strict time schedule
  - Core group - modular groups
  - Central - decentral
  - English – mother tongue
- Link documentation management center

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## National security plan

### Good practice

- to place law enforcement-related activities within framework of a National security plan
- Danger that such approach is missing & priorities are set by LE agencies
- High level input by political & administrative system necessary
  - National security plan – departmental level – board/agency level – unit level
- Balance between national/eu-driven priorities important

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